

*Application No. 09/826,319*

REMARKS

Telephone Interview

Applicants express their appreciation to the Examiner for the courtesy extended to Applicants' agent, Angela Dallas Sebor, during the telephone interview of October 19, 2005. During the interview, the Examiner and Dr. Sebor discussed various possible amendments to the final clause of Claim 1 that might address the Examiner's concerns under 35 U.S.C. § 112, first paragraph. In addition, the same rejection with regard to Claim 33 was discussed. The Examiner indicated that two different amendments proposed by Dr. Sebor would address all of his concerns with regard to Claim 1 (part A of the rejection). With regard to Claim 33 (part B of the rejection), the Examiner indicated that he would consider a new claim that might be reflective of what is shown in the Examples.

Claim Amendments

Pursuant to the October 19 interview, each of the two options indicated by the Examiner to address the concerns under 35 U.S.C. § 112, first paragraph (with regard to Claim 1) have been presented herein, with the first appearing as an amendment to Claim 1 and the second appearing as a new independent claim (Claim 36). Both the amendment to Claim 1 and new Claim 36 are supported in the specification on page 10, lines 10-18.

Objection to the Specification and Rejection of Claims 1-35 Under 35 U.S.C. § 112, First Paragraph:

The Examiner has objected to the specification and rejected Claims 1-35 under 35 U.S.C. § 112, first paragraph, on the basis of written description.

Part A

The Examiner first contends that the limitation added to Claim 1 in the amendment of June 13, 2005 is not supported in the specification. The Examiner contends that the specification is the opposite of what is recited in the claim and further, that Example 5 is not of the scope of the claimed invention.

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As discussed above, during the telephone interview of October 19, 2005, the Examiner and Applicants' agent discussed several options for amending Claim 1 so that the claim would more clearly reflect the disclosure in the instant application. The Examiner agreed that two different options would address his concerns with regard to Claim 1, and both options have been presented herein as an amendment to Claim 1 and as new Claim 36. The Examiner also indicated during the interview that the issues raised with regard to Example 5 in this part of the rejection were directed to the prior language in Claim 1 prior to the present amendment, and that the present amendments should overcome all of the concerns as set forth in part A of the rejection.

Part B

The Examiner contends that there is no support in the specification for the amendment to Claim 33.

To expedite prosecution, Applicants have cancelled Claim 33, without prejudice to or disclaimer of the subject matter therein.

In view of the foregoing amendments and remarks, Applicants respectfully request that the Examiner withdraw the rejection of Claims 1-35 under 35 U.S.C. § 112, first paragraph.

Applicants have attempted to address all of the Examiner's remaining concerns as set forth in the September 8 Office Action and submit that the claims are in a condition for allowance. It is noted that the Examiner indicated during the October 19 interview that if there were any remaining issues or concerns regarding the claims, he would contact the below named agent at (303) 863-9700.

Respectfully submitted,

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